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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Burundi

1. At its 22nd meeting, on 12 October 2009, the Working Group on Children and Armed Conflict examined the report of the Secretary-General on children and armed conflict in Burundi (S/2009/450), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of Burundi to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group were as follows:

(a) They welcomed the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations contained therein met with a favourable response;

(b) They welcomed the progress made by the Government of Burundi in ensuring effective protection of children affected by armed conflict, including through the demobilization and reintegration of children associated with armed forces, improvement in the training of security forces and the adoption of legislation to better protect children;

(c) They stressed the importance of addressing impunity for crimes against children through timely investigation and prosecution of such cases;

(d) They also stressed the need to follow up on the progress made in the protection of children in Burundi.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the recommendations contained therein met with a generally favourable response.

4. The Permanent Representative of Burundi expressed his appreciation to the Secretary-General for his report and the recommendations contained therein, and indicated that the protection of children is one of the priorities of his Government. He reaffirmed his Government's willingness to continue to cooperate with the United Nations for the well-being of children.

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Public statement by the Chairman of the Working Group

5. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to address a message to all stakeholders involved in the protection of children in Burundi, in particular the Forces Nationales de Liberation (FNL) and its dissident group, through a public statement by its Chairman on behalf of the Working Group:

(a) Welcoming:

(i) The release of 340 children associated with FNL in April 2009 and of the remaining 40 children associated with the alleged FNL dissidents in the Randa and Buramata sites in June 2009;

(ii) The fact that as of August 2009 there were no further known cases of children associated with armed groups in Burundi;

(iii) The coordinated efforts by the Joint Verification Monitoring Mechanism, comprising the Office of the Facilitator of the Burundi Peace Process, the Government of Burundi, FNL, the African Union, the United Nations Integrated Office in Burundi (BINUB) Child Protection and the United Nations Children's Fund (UNICEF), that facilitated the release of all children formerly associated with armed groups;

(b) Urging them:

(i) To refrain from any re-recruitment or new recruitment or use of children and to continue to comply with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009);

(ii) To ensure that children formerly associated with the Palipehutu-FNL are prioritized in longer-term community-based reintegration programmes, in line with the Government's endorsement of the Paris Principles and Guidelines on children associated with armed forces or armed groups.

Recommendations to the Security Council

6. The Working Group agreed to recommend that the President of the Security Council transmit letters from the Chairman of the Working Group addressed

To the Government of Burundi

(a) Welcoming:

(i) That as of August 2009 there were no further known cases of children associated with armed groups in Burundi and that the community and family reintegration of children formerly associated with armed groups has started;

(ii) The commitment of the Government of Burundi to addressing the issue of children and armed conflict, including through the ratification of relevant international instruments such as the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;

(iii) The successful efforts undertaken by the Government of Burundi, with the assistance of BINUB, UNICEF and the Office of the United Nations High Commissioner for Human Rights in Burundi, to adopt provisions in the revised

Penal Code that strengthen the sentencing of perpetrators of sexual violence against children and mandate that the Burundi National Defence Forces stipulate a minimum age of recruitment in the army of 18 years in line with Burundi's obligations under the Optional Protocol,

(iv) The leadership demonstrated by the Government of Burundi in ensuring systematic predeployment training on child protection for peacekeeping troops, in cooperation with BINUB and the United Nations country team;

(v) The effective implementation of the Paris Principles and Guidelines, endorsed by the Government of Burundi in 2007, in the ongoing disarmament, demobilization and reintegration programmes.

(b) Expressing concern:

(i) About the fact that, despite the achievements reached by the ongoing training and sensitization of the Burundi security forces and the follow-up on cases of violations committed by their members, much more remains to be done in addressing impunity for violations and abuses committed against children;

(ii) That efforts continue to be made to ensure that all 626 children formerly associated with armed groups and other children identified as highly vulnerable are prioritized in longer-term community-based reintegration programmes consistent with the commitments of the Government of Burundi under the Paris Principles and Guidelines, and that a viable protection and prevention system is in place to reduce the vulnerability of all children to any possible new recruitment or re-recruitment;

(c) Urging it, with the support of the United Nations:

(i) To consider the protection of children in the application of transitional justice mechanisms and in all provisions of security sector reform, and also to consider the adoption of an integrated child protection system;

(ii) To make every effort to pursue and bring to justice perpetrators of all violations and abuses committed against children and provide an adequate response, while also making every effort to protect victims, witnesses and individuals reporting crimes perpetrated against children, in line with the United Nations guidelines for justice involving child victims and witnesses of crimes, in order to put an end to impunity in Burundi;

(iii) To ensure that children who are prosecuted for associations with armed groups and crimes are treated in accordance with Burundi's international obligations specific to the rights of the child, in particular with regard to the age of criminal responsibility, due process and the principle of deprivation of liberty as a measure of last resort;

(iv) To adopt and implement a comprehensive national strategy to prevent, respond to and combat sexual violence, including measures to support child victims of sexual violence with the support of the United Nations country team in accordance with resolutions 1882 (2009) and 1888 (2009);

(v) To continue to develop activities in the field of training and capacity-building for personnel in the security and justice sectors regarding the protection of children affected by armed conflict;

(vi) To establish measures to prevent the use of children in demonstrations during elections, with specific attention to the need to prevent the utilization of children formerly associated with armed groups during the conflict.

To the Secretary-General

(a) Commending the efforts undertaken by the Special Representative for Children and Armed Conflict, BINUB and UNICEF, in coordination with the Government of Burundi, to contribute actively to the protection of children and their efforts to engage with FNL, as well as the alleged dissidents of FNL, in order to put an end to child recruitment and to facilitate the release of affected children;

(b) Requesting him to urge the United Nations system to support and integrate child protection in the disarmament, demobilization and reintegration process in Burundi, and inviting him to call upon the international community to continue to allocate adequate funding for capacity-building in Burundi for disarmament, demobilization and long-term reintegration programmes for children;

(c) Requesting him to prepare a follow-up report on implementation of the conclusions of the Working Group to be issued in 2010.

Direct action by the Working Group

7. The Working Group agreed to address letters:

To the Chairman of the Peacebuilding Commission

(a) Sharing the information contained in the report of the Secretary-General and the conclusions of the Working Group, and stressing the need to assist the Government of Burundi in developing and implementing strategies:

(i) To prevent, respond to and combat sexual violence, including by taking measures to support child victims of sexual violence;

(ii) To continue to address the disarmament, demobilization and long-term reintegration of children associated with armed groups into their communities and families;

(iii) To raise awareness of and support the Government's action to pursue and bring to justice perpetrators of all violations and abuses committed against children and provide an adequate response in order to put an end to impunity in Burundi;

(iv) To continue programmes of training for police and other security forces in order to prevent violations and abuses committed against children by Burundian security forces, and to sanction, as appropriate those who commit such violations and abuses;

(v) To support the valuable work conducted by and strengthen the capacities of administration offices in charge of human rights, judicial authorities and the office of the military prosecutor, as well as local civil society organizations, in protection of the rights of the child;

(vi) To support the inclusion of children formerly associated with armed groups, as appropriate, in any future community-based peacebuilding activities, such as "youth ambassadors for peace".

To the World Bank and donors, recalling its previous call for support for strengthened and accelerated implementation of sustainable disarmament, demobilization and reintegration programmes in Burundi, in close cooperation with the Government of Burundi, together with civil society organizations and local communities, paying particular attention in this process to girls exploited by armed forces and groups, and inviting them to also support activities in the field of advocacy and training on child rights protection, including through an integrated national child protection system.